

BAWA SHIV CHARAN SINGH
FULL COURT REFERENCE – APRIL 20, 2006

MY LORD CHIEF JUSTICE, YOUR LORDSHIPS, MR P.P.MALHOTRA, ADDITIONAL SOLICITOR GENERAL OF INDIA, MR. RAMESH GUPTA, CHAIRMAN – BAR COUNCIL OF DELHI, STANDING COUNSEL FOR GOVERNMENT OF INDIA AND GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI, OFFICE BEARERS OF DELHI HIGH COURT BAR ASSOCIATION AND OTHER BAR ASSOCIATIONS, RESPECTED SENIOR MEMBERS OF THE BAR, RESPECTED MRS. BAWA SHIV CHARAN SINGH JI AND OTHER RELATIVES, MY COLLEAGUES AT THE BAR, LADIES AND GENTLEMEN:

Another sad occasion for us. Today, we are referring to the sad demise of Bawa Shiv Charan Singh Ji, a senior colleague by all means, who passed away on the 11th of this month. At the outset itself, let me convey our heart-felt condolences to his bereaved family.

An octogenarian, one of those fortunate few, who had been able to have the longest innings in Delhi Courts, Shiv Charan Singh Ji lived a full and honourable life. When a great tree falls, the forest somehow looks barren.

I knew Bawa Saheb personally and had the privilege of appearing for him. I can say without fear of contradiction, that he was a remarkable man, with firmness of character and courage of conviction. At the same time, he was kind, tender and warm at heart.

Shiv Charan Singh Ji was born in Lahore, where he had his schooling. In 1940, he took his law degree, standing first in the University, from Lahore Law College. He got enrolled as an advocate of the Lahore High Court after he was released from Jail in 1941 where he was confined to solitary cell. Slowly, his practice changed the main lane of criminal law and entered the civil side.

In 1947, he moved to Delhi and started his practice at the District Court. He attained prominence as a lawyer by dint of hard work, by carrying on the study and practice of law, habit of deep thought and intensive research, a habit which constitutes the mightiest weapon of success in the profession. From a humble beginning, he went on to create a legal empire.

As a lawyer he was always farsighted, seeking to open gates to be able to walk into open, breath fresh air and be prepared to take the paths thitherto untrodden in jurisprudence by others, especially when it came to Hindu Law, Evacuee Law and Civil Procedure Code.

He had a rapid mind and penetrating perception of legal problems which he tried to resolve not from the light of the past but by expounding new doctrines consistent with the constitutional philosophy.

The Delhi High Court bestowed on him the honour of Senior Advocate which was rare then.

When he was honoured with the Lifetime Achievements Award in 2000, the introduction given to him ran: “....**at the age of 82 years, he is the oldest active practicing lawyer....**” It is our common trait that we wish to be on our legs till we breath our last.

He did not lag behind in his obligation to the society, whether pre or post-partition. In the pre-partition days he had to court arrest in connection with the escape of Subash Chander Bose and risked his life many a time by organizing Peace Committees in Lahore. Freedom movement was extremely dear to him and he was known for defending those who were arrested in participating in the Freedom movement. After partition, his nationalist spirit was high again and he was in constant touch with the then national leaders like Maulana Azad Sahib and others. He was secular minded and was a staunch believer of secular democratic principles.

During my interactions with him, Shiv Charan Singh Ji often used to stress on the social dynamics of the judiciary and the role of lawyers in it. He used to narrate the spirit of law

students during his college days, with reference to freedom movement and national issues. He often expressed despair over the lack of interest shown by law students and lawyers in respect of national issues. He was particularly concerned with corruption and malpractices. Citing the risks he and his friends undertook as students and young lawyers, he used to say that if we ignore the warning signals of a social or political error, it won't be too long before we also are part of that. Sitting too much on the fence would help the iron enter our soul. He was particularly unhappy that the youth today, lacked that kind of a social involvement and commitment. He used to say that self-centered ambition and the attitude of 'smash and grab' have become the hallmark of life today.

Bawaji believed that spirituality should be used for betterment of life. He always believed that every human being must work to help alleviate his brethren's pains and sorrows. He devoted a good deal of his energy and time to teach the new entrants joining the profession with him. According to him, the decline in the prestige and image of legal profession should be a matter of concern to one and all. This discontent had become more articulate in recent times. He was equally concerned with 'arrogance' finding its way to the Bench. Members of the Bar, according to him, are to be respected by the Court. Lawyer is a fearless warrior and a compassionate friend. According to him, it was high time that the Bench and Bar identify the areas of fault and default and initiate corrective action to repair the damage before it is too late. One is reminded of response of the US Chief Justice Warren E. Burger when his senior Judge gently chided him to wait for few years before saying what was wrong: **"No, I am afraid that if I wait too long I will get used to it"** - followed it by remarking - **"My mother taught us that the time to fix cracks in the plaster is when you first move into a house. Later you don't pay attention to them."**

In my view the best tribute to stalwarts like Bawa Sahib shall be to fix these cracks both in the Bench and the Bar and start the repair work in the right earnest.

Our Hon'ble President, Dr. A.P.J. Abdul Kalam, in his recent speech during the Golden Jubilee celebrations of the Karnataka High Court said: **“Our judicial system is a reflection of the current dynamics of the society and has the potential to be an enabler in transforming the society in its dynamic development process. As the ultimate protector of human rights and the final resort for dispensation of justice, the citizen of India look upto this institution with respect and eternal hope.”**

On this occasion, let us all join hands and pledge to do our bit to bring more dignity and respect to our judicial system, keep up our healthy traditions and conventions, and not forget that even small gestures of ‘pass over’ of matters reflect mutual respect and regard.

We lost a learned senior member of our fraternity. The loss brought by death is irreparable. With our knowledge we may earn wealth and fame. With that we may be able to buy all kinds of physical comforts. And then death comes for that eternal walk. Sometimes early and at times late. Beyond that what is life? Philosophies are there, religions are there, but nothing could bring back a departed soul. What we have about life after death is assumed knowledge. And that is the magic of life, not death. A life well lived is all that we can hope for. It is the life in our years that matters and not the years in our life. For Shiv Charan Singh Ji, both were qualitatively positive. He was blessed with both – life and years.

While we pray for his eternal peace, let us again convey our heart-felt condolences to his bereaved family. May He grant them enough strength to bear the loss. Let them cherish the good memories of Bawa Sahib and steer ahead with more enthusiasm and interest.

Amarjit Singh Chandhiok

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